

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ALIGN TECHNOLOGY, INC,

Case No. C05-2948 MMC (JCS)

Plaintiff(s),

**ORDER GRANTING IN PART AND
DENYING IN PART DEFENDANT'S
MOTION FOR SANCTIONS [Docket No.
295]**

v.

ORTHOCLEAR, INC., ET AL,

Defendant(s).

On August 11, 2006, Defendant filed a Motion for Sanctions (the "Motion").

On September 15, 2006, the Motion came on for hearing. Lee Kissman, counsel for Plaintiff, appeared. Darin W. Snyder, counsel for Defendant, appeared.

For reasons stated on the record, and good cause shown,

IT IS HEREBY ORDERED that the Motion is GRANTED IN PART AND DENIED IN PART. Plaintiff is precluded from offering into evidence the testimony from Dr. Lou Shuman. To the extent that the Motion seeks attorneys fees and costs it is DENIED.

IT IS SO ORDERED.

Dated: September 18, 2006



JOSEPH C. SPERO
United States Magistrate Judge